

## Message Text

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ORIGIN L-03

INFO OCT-01 ISO-00 OES-06 SP-02 DLOS-04 SAL-01 SIG-02

FEA-01 ACDA-10 AGR-10 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 CIEP-02 COME-00 DODE-00 DOTE-00 EB-07 EPA-04

ERDA-07 FMC-02 TRSE-00 H-02 INR-07 INT-05 IO-13

JUSE-00 NSAE-00 NSC-05 NSF-02 OMB-01 PA-02 PM-04

PRS-01 SS-15 USIA-15 AF-06 ARA-10 EA-09 EUR-12 NEA-10

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DRAFTED BY L/OES:RJBETTAUER

APPROVED BY L/OES:RJBETTAUER

OES:MR. MARSHALL

S/P:MR. BLANEY (INFO)

D/LOS:MR. JAMES (INFO)

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R 140031Z APR 76

FM SECSTATE WASHDC

TO ALL DIPLOMATIC POSTS

UNCLAS STATE 089395

E.O. 11652: N/A

TAGS:PLOS

SUBJECT:PRESIDENT SIGNS 200-MILE BILL

ON APRIL 13 THE PRESIDENT SIGNED A BILL TO EXTEND U.S. FISHERIES JURISDICTION TO 200 MILES. A SUMMARY OF PROVISIONS WILL FOLLOW. FOLLOWING IS STATEMENT BY THE PRESIDENT RELEASED BY WHITE HOUSE. BEGIN TEXT:

"I AM TODAY SIGNING A BILL WHICH PROVIDES A COMPRE-  
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HENSIVE DOMESTIC AND INTERNATIONAL PROGRAM FOR THE

CONSERVATION AND MANAGEMENT OF OUR FISHERIES.

THE EXTENSION OF OUR JURISDICTION TO 200 MILES WILL  
ENABLE US TO PROTECT AND CONSERVE THE VALUABLE FISHERIES  
OFF OUR COASTS. IT IS INDEED UNFORTUNATE THAT THE SLOW PACE  
OF THE NEGOTIATIONS OF THE UNITED NATIONS LAW OF THE SEA  
CONFERENCE HAS MANDATED OUR COURSE OF ACTION HERE TODAY.  
HOWEVER, THE FOREIGN OVERFISHING OFF OUR COASTS CANNOT BE  
ALLOWED TO CONTINUE WITHOUT RESOLUTION.

THE NEED FOR A TIMELY AND SUCCESSFUL LAW OF THE SEA  
CONFERENCE IS EVEN MORE PRESSING TODAY THAN EVER BEFORE.  
I HAVE DIRECTED OUR NEGOTIATORS TO MAKE EVERY EFFORT,  
CONSISTENT WITH OUR BASIC INTERESTS, TO CONCLUDE THE

SUBSTANTIVE NEGOTIATIONS THIS YEAR. THE BILL I SIGN TODAY  
IS GENERALLY CONSISTENT WITH THE CONSENSUS EMERGING AT THE  
CONFERENCE. IT IS INCREASINGLY APPARENT THAT A FAILURE TO  
REACH SUBSTANTIVE AGREEMENT THIS YEAR WILL MOVE THE WORLD  
COMMUNITY INEVITABLY TOWARD DISORDER RESPECTING COMPETING  
USE OF THE OCEANS. IN THE ABSENCE OF A TIMELY TREATY, NO  
NATION CAN BE ASSURED THAT ITS PARAMOUNT INTEREST IN THE  
OCEANS WILL BE PROTECTED.

SOME SPECIFIC ASPECTS OF THIS LEGISLATION REQUIRE  
COMMENT. I SUPPORTED THIS LEGISLATION ON THE CONDITION THAT  
THE EFFECTIVE DATE OF THE LEGISLATION WOULD BE DELAYED  
SO THAT THE LAW OF THE SEA CONFERENCE COULD COMPLETE ITS  
WORK AND TO PERMIT SUFFICIENT TIME FOR A PROPER TRANSITION.

THE TASKS OF CONTINUING OUR NEGOTIATING EFFORTS AT THE  
LAW OF THE SEA CONFERENCE AND AT THE SAME TIME ESTABLISHING  
NEW FISHERY PLANS, ISSUING HUNDREDS OF NEW FISHING PERMITS  
AND NEGOTIATING SPECIFIC FISHERY AGREEMENTS WITH FOREIGN  
GOVERNMENTS WILL REQUIRE SUBSTANTIAL RESOURCES IN EXCESS  
OF THOSE PRESENTLY ALLOCATED TO INTERNATIONAL FISHERIES  
AFFAIRS. THE DEPARTMENTS OF STATE, COMMERCE, AND TRANS-  
PORTATION MUST DO THEIR BEST TO IMPLEMENT THE ACT FULLY.  
SINCE AVAILABLE RESOURCES ARE FINITE, HOWEVER, IT IS  
POSSIBLE THAT FULL IMPLEMENTATION MAY TAKE MORE TIME THAN  
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IS PROVIDED IN THE ACT.

I AM CONCERNED ABOUT OUR ABILITY TO FULFILL THE TASKS  
IN THE TIME AND MANNER PROVIDED IN THE ACT. I AM PARTICU-  
LARLY ANXIOUS THAT NO ACTION BE TAKEN WHICH WOULD COMPROMISE  
OUR COMMITMENT TO PROTECT THE FREEDOM OF NAVIGATION AND  
THE WELFARE OF OUR DISTANT WATER FISHERIES. SURELY WE  
WOULD NOT WISH TO SEE THE UNITED STATES ENGAGED IN INTER-

NATIONAL DISPUTES BECAUSE OF AN ABSENCE OF NEEDED FLEXIBILITY.

ADDITIONALLY, I AM CONCERNED ABOUT FOUR SPECIFIC PROBLEM AREAS WHICH ARE RAISED BY THIS LEGISLATION:

FIRST, ABSENT AFFIRMATIVE ACTION, THE SUBJECT BILL COULD RAISE SERIOUS IMPEDIMENTS FOR THE UNITED STATES IN MEETING ITS OBLIGATIONS UNDER EXISTING TREATY AND AGREEMENT OBLIGATIONS;

SECOND, THE BILL CONTEMPLATES UNILATERAL ENFORCEMENT OF A PROHIBITION ON FOREIGN FISHING FOR NATIVE ANADROMOUS SPECIES, SUCH AS SALMON, SEAWARD OF THE 200-MILE ZONE. ENFORCEMENT OF SUCH A PROVISION, ABSENT BILATERAL OR MULTILATERAL AGREEMENT, WOULD BE CONTRARY TO THE SOUND

PRECEPTS OF INTERNATIONAL JURISPRUDENCE;

THIRD, THE ENFORCEMENT PROVISIONS OF H.R. 200 DEALING WITH THE SEIZURE OF UNAUTHORIZED FISHING VESSELS, LACK ADEQUATE ASSURANCES OF RECIPROCITY IN KEEPING WITH THE TENETS OF INTERNATIONAL LAW; AND

FOURTH, THE MEASURE PURPORTS TO ENCROACH UPON THE EXCLUSIVE PROVINCE OF THE EXECUTIVE RELATIVE TO MATTERS UNDER INTERNATIONAL NEGOTIATIONS.

ALTHOUGH THESE MATTERS ARE OF MAJOR IMPORTANCE, I AM HOPEFUL THEY CAN BE RESOLVED BY RESPONSIBLE ADMINISTRATIVE ACTION AND, IF NECESSARY, BY CURATIVE LEGISLATION. ACCORDINGLY, I AM INSTRUCTING THE SECRETARY OF STATE TO LEAD ADMINISTRATION EFFORTS TOWARD THEIR EFFECTIVE RESOLUTION.  
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